

South Dakota Public Utilities Commission Meeting
Tuesday, October 23, 2007, at 9:30 A.M.
State Capitol Building, Room 412
Pierre, South Dakota

NOTE: If you wish to join this meeting by conference call, please contact the Commission at 605-773-3201 by 5:00 p.m. on October 22, 2007. Lines are limited and are given out on first come/first serve basis, subject to possible reassignment to accommodate persons who must appear in a proceeding. Ultimately, if you wish to participate in the Commission Meeting and a line is not available you may have to appear in person.

NOTE: To listen to the Commission Meeting live please go to the PUC's website www.puc.sd.gov and click on the LIVE button on the home page. The Commission requests that persons who will only be listening to proceedings and not actively appearing in a case listen via the webcast to free phone lines for those who have to appear. The Commission meetings are archived on the PUC's website under the Commission Actions tab and then click on the LISTEN button on the page.

NOTE: Notice is further given to persons with disabilities that this Commission meeting is being held in a physically accessible place. If you have special needs, please notify the Commission and we will make all necessary arrangements.

AGENDA OF COMMISSION MEETING

Administration

1. Approval of the Minutes of the Commission Meeting Held on August 7, 2007, and the Ad Hoc Meeting held September 19, 2007. (Staff: Demaris Axthelm)

Consumer Reports

1. Status Report on Consumer Utility Inquiries and Complaints Received by the Commission. (Consumer Affairs: Deb Gregg)

Electric

1. EL07-022 In the Matter of the Filing by Black Hills Power, Inc. for Approval of a Contract with Deviations with South Dakota Science and Technology Authority. (Staff Analyst: Keith Senger, Staff Attorney: Karen Cremer)

On July 23, 2007, Black Hills Power filed for Commission approval a contract with deviations from the General Service Large tariff with the South Dakota Science and Technology Authority (SDS&TA). This contract replaces the previous contract with the Homestake Mining Company effective 1/1/2000 and assumed by SDS&TA in July 2006. This contract will relieve a portion of the demand charges for the Homestake Underground Laboratory Complex for five years.

TODAY, shall the Commission Approve the Contract with Deviations?

2. **EL07-025** **In the Matter of the Filing for Approval of an Addendum to Agreement Regarding Assigned Service Area between Codington-Clark Electric Cooperative, Inc. and the City of Watertown, South Dakota. (Staff Analysts: Brian Rounds/Nathan Solem, Staff Attorney: Karen Cremer)**

On August 6, 2007, Codington-Clark Electric Cooperative, Inc. (Codington-Clark Electric) and the City of Watertown (City) filed a Petition for Approval of Addendum to Agreement Regarding Assigned Service Area. On August 5, 1998, the Commission approved an Agreement between Codington-Clark Electric and the City regarding their assigned service area. The Agreement was for a three year term, which expired on July 23, 2001. The parties entered into an Addendum to that Agreement for the purpose of renewing the Agreement until July 23, 2004. Subsequently, the parties entered into another Addendum to that Agreement which renewed the Agreement until July 23, 2007. This filing is for approval of a new Addendum to Agreement Regarding Assigned Service Area providing for the extension of the Agreement through August 1, 2022.

TODAY, shall the Commission Approve the Addendum to Agreement Regarding Assigned Service Area?

Natural Gas

1. **NG07-018** **In the Matter of the Filing by NorthWestern Energy for Approval of Tariff Revisions. (Staff Analyst: Keith Senger, Staff Attorney: Karen Cremer)**

On August 31, 2007, NorthWestern Energy (NWE) filed an application seeking approval of revisions to its South Dakota Natural Gas tariff. NWE is proposing to 1) limit the size of the Grain Dryers on Rate 85 and move the remaining Grain Dryers to Rate 86, 2) modify the Rate 86 true up date and 3) modify the daily imbalance cash out of large use customers.

TODAY, shall the Commission Approve the Tariff Revisions?

2. **NG07-019** **In the Matter of the Filing by Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. for Approval of an Amendment to a Contract with Deviations with Merillat Corporation. (Staff Analyst: Dave Jacobson, Staff Attorney: Karen Cremer)**

On October 2, 2007, Montana-Dakota Utilities Co. (MDU), a Division of MDU Resources Group, submitted for Commission approval Section No. 4, 6th Revised Sheet No. 1 and the underlying Amendment No. 4 dated September 6, 2007, to the current Agreement between Montana-Dakota and Merillat Corporation (Merillat). The existing agreement with Merillat was effective on November 1, 2003. Amendment No. 4 provides for service to continue to Merillat for a one-year period ending October 31, 2008, under the terms of the original contract with exceptions contained in subsequent amendments. Amendment No. 4 also changes the load factor used to calculate Merillat's allocation of pipeline demand charges.

TODAY, shall the Commission Approve the Amendment to the Contract with Deviations?

3. **NG07-020** **In the Matter of Inadequate Reason for Disconnection, Failure to Provide Service and Tariff Violations Made by MidAmerican Energy. (Staff Analysts: Dave Jacobson/Deb Gregg, Staff Attorney: Kara Semmler)**

On October 5, 2007, Staff filed a Motion for Order to Show Cause against MidAmerican Energy based on a consumer's disconnection and MidAmerican's refusal to provide natural gas services. Staff alleges neither the disconnection nor the failure to provide service were in compliance with the company's tariff and Commission rules and statutes.

TODAY, shall the Commission Grant the Motion for Show Cause? OR, how Shall the Commission Proceed?

Telecommunications

1. **TC06-191 In the Matter of EchoStar Satellite LLC Owning the Trademark Dish Network, Echosphere, LLC's Failure to Register as a Telemarketers and the Solicitations they made to those Registered on the Do Not Call List. (Staff Attorney: Kara Semmler)**

On November 15, 2006, Commission Staff filed a Motion for an Order to Show Cause due to Dish Network's failure to register as a telemarketer and the solicitations it made to individuals registered with the South Dakota Do Not Call Registry. Upon further investigation, Staff determined that Dish Network is a subsidiary of EchoStar Satellite, LLC (EchoStar). The Commission added EchoStar as a party and issued an Order to Show Cause at its December 6, 2006, meeting. On April 13, 2007, staff filed a Motion for Continuance of Discovery and to Add Additional Parties. The Motion was granted at the April 24, 2007, commission meeting. On July 24, 2007, the parties filed a Joint Motion for Delay. EchoStar filed a Motion for Summary Judgment on July 27, 2007. The Motion for Delay was granted at the August 7, 2007, commission meeting. On August 15, 2007, staff filed a brief in reply to the Motion for Summary Judgment. A reply brief was filed by EchoStar on August 21, 2007. The Motion for Summary Judgment was heard at the August 28, 2007, commission meeting. On August 30, 2007, the parties filed a Joint Motion for Delay. The Commission Granted the Motion to Delay at its September 11, 2007, meeting. A Motion to Dismiss was filed by Staff on October 4, 2007, requesting that this proceeding be dismissed without prejudice.

TODAY, shall the Commission Grant the Motion to Dismiss and Dismiss and Close the Docket without Prejudice? OR, how shall the Commission Proceed?

2. **TC07-104 In the Matter of the Filing by PrairieWave Community Telephone, Inc. for an Exemption from Developing Company Specific Cost-Based Switched Access Rates. (Staff Analyst: Keith Senger, Staff Attorney: Karen Cremer)**

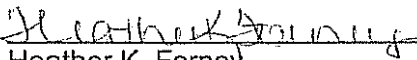
On September 17, 2007, PrairieWave Community Telephone, Inc. filed a petition requesting an exemption from filing company specific cost-based switched access rates. On October 10, 2007, a Petition for Intervention by AT&T Communications of the Midwest, Inc., and Limited Opposition to Petition of PrairieWave for an Exemption were filed.

TODAY, shall the Commission Grant the Petition for Intervention to AT&T Communications?

Announcements

1. The next regularly scheduled Commission meeting will be held November 6, 2007, at 9:30 a.m. in Room 412, State Capitol Building, Pierre, SD.
2. Commission meetings are scheduled for November 20 and December 4, 2007.

3. A hearing in docket NG07-013 will be held November 7 and 8, 2007, in the State Capitol Building, Pierre, SD. The hearing will begin at 8:00 a.m. on Wednesday, November 7, in Room 412 of the State Capitol Building, and if necessary will resume at 8:00 a.m. on November 8, in Room 413 of the State Capitol Building, Pierre, SD.
4. Commissioners and Staff will be attending the NARUC fall meetings in Anaheim, CA, November 11 – 14, 2007.
5. The PUC offices will be closed Monday, November 12, 2007, in observance of Veterans Day.
6. The PUC offices will be closed Thursday, November 22, 2007, in observance of Thanksgiving.
7. An evidentiary hearing in docket HP07-001 will be held December 3 – 14, 2007, in Room 412 of the State Capitol Building, Pierre, SD. The hearing will begin at 9:30 a.m. December 3 and December 10; following the Commission Meeting on December 4; and at 8:30 a.m. on all other days.
8. A public input hearing in docket HP07-001 will be held from 7:00 p.m. – 11:00 p.m. on December 6, 2007, in Room 412 of the State Capitol Building, Pierre, SD.
9. The PUC offices will be closed Tuesday, December 25, 2007, in observance of Christmas.



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October 16, 2007